

## RAY C. THOMPSON

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JUNE 27, 1960.—Ordered to be printed

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Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

## REPORT

[To accompany H.R. 10793]

The Committee on the Judiciary, to which was referred the bill (H.R. 10793) for the relief of Ray C. Thompson, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

## PURPOSE

The purpose of the bill is to pay Ray C. Thompson, of Greensboro, N.C., the sum of \$1,139.75, as reimbursement for the payment by him of that amount as a compromise settlement for personal injuries sustained as the result of an accident involving a mailtruck operated by him in the course of his duties as a parcel post mail clerk in the postal field service at Greensboro, N.C.

## STATEMENT

The Post Office Department, in favorably recommending the proposed legislation, has advised the Congress that on December 17, 1955, the claimant, while backing a mailtruck into a parked position so as to effect delivery of parcel post packages, allowed the Government vehicle to strike and injure Edward L. Gardner, who was standing in a driveway near a parked truck which he was unloading. An administrative claim was not filed with the Post Office for injuries sustained by Mr. Gardner, but a suit was filed by him against the United States under the provisions of the Federal Tort Claims Act on April 14, 1958. This suit was dismissed for the reason that the so-called statute of limitations contained in the Federal Tort Claims Act had expired prior to the filing of the suit. Subsequently Mr. Gardner filed a suit against the postal driver in his individual capacity and this suit resulted in a compromise judgment in favor of the plaintiff.

The Post Office Department has commented that it believes it to be unfair for the postal employee to pay such judgment without

reimbursement, since the Federal Tort Claims Act provides relief in such cases had the plaintiff maintained his suit against the Government instead of the postal employee, and that under the circumstances the Post Office Department recommends enactment of the bill.

The committee has from time to time approved similar bills for the reimbursement of negligent Government drivers in cases where actions have successfully been brought against them in their individual capacity.

The committee believes that the bill is meritorious and recommends it favorably.

Attached is a letter, dated April 26, 1960, from the Post Office Department.

POST OFFICE DEPARTMENT,  
OFFICE OF THE GENERAL COUNSEL,  
*Washington, D.C., April 26, 1960.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to the request for a report on H.R. 10793, a bill for the relief of Ray C. Thompson.

This bill proposes to pay to Ray C. Thompson, 1824 Willora Street, Greensboro, N.C., the sum of \$1,139.75, such sum to be reimbursement to the said Mr. Thompson for the payment by him of an equal amount to Edward L. Gardner in connection with the compromise settlement of the claim of Mr. Gardner for personal injuries sustained by him as a result of being hit by a mailtruck operated by Mr. Thompson.

The records of this Department disclose that on December 17, 1955, Mr. Thompson, while backing a mailtruck into a parked position so as to effect the delivery of parcel post packages, allowed the Government vehicle to strike and injure Mr. Gardner who was standing in a driveway near a parked truck which he was engaged in unloading.

An administrative claim was not filed with the Post Office Department for injuries sustained by Mr. Gardner. A suit was filed, however, by Mr. Gardner against the United States under the provisions of the Federal Tort Claims Act (28 U.S.C. 2671-2680) on April 14, 1958. Since the statute of limitations contained in the Federal Tort Claims Act had expired prior to the filing of said suit, the suit was automatically dismissed on February 20, 1959. Thereafter, suit was filed by Mr. Gardner against the postal chauffeur in his individual capacity. The latter suit resulted in a compromise judgment in favor of the plaintiff.

The Department believes it to be unfair that the postal employee pay such judgment without reimbursement since the Federal Tort Claims Act hereinbefore cited provides relief in such cases had the plaintiff maintained the action against the Government instead of the postal employee.

In view of the foregoing, this Department recommends the enactment of H.R. 10793.

The Bureau of the Budget has advised that there is no objection to the submission of this report to the committee.

Sincerely yours,

HERBERT B. WARBURTON,  
*General Counsel.*